

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES E. BOSTIC,)	
)	
Plaintiff)	
)	No. 3:14-1068
v.)	Judge Trauger/Bryant
)	Jury Demand
SHARA BIGGS, <i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

Plaintiff James E. Bostic, a prisoner proceeding *pro se*, has filed his motion dismiss his complaint against Defendants Davidson County Sheriff's Office and "Ms. Amber" (Docket Entry No. 23). These two Defendants have not filed an answer or a motion for summary judgment.

Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure provides that a Plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. The undersigned Magistrate Judge construes Plaintiff's motion to dismiss as a notice of dismissal of these two Defendants under this rule.

No party has filed a response in opposition.

For the reasons stated above, the undersigned Magistrate Judge finds that Plaintiff Bostic should be permitted to dismiss his complaint against Defendants Davidson County Sheriff's Office and "Ms. Amber" pursuant to Rule 41(a)(1).

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff's motion to dismiss (Docket Entry No. 23) be construed as a notice of voluntary dismissal and that the complaint against Davidson County Sheriff's Office and "Ms. Amber" be dismissed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge